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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,388	09/29/2005	Jorma Kullervo Romunen	P08772US00/RFH	3318
881	7590	02/04/2008	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			ROMAN, LUIS ENRIQUE	
			ART UNIT	PAPER NUMBER
			2836	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,388

Applicant(s)

ROMUNEN, JORMA KULLERVO

Examiner

Luis Roman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/23/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Drawing Objections

The Fig. 1 should have the label "Prior Art".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) (US Patent Application 10/551388).

Regarding claim 1 AAPA discloses a transmitter for sending a data transmission signal to many kinds of electric nets (Fig. 1), whereby the apparatus comprises signal-shaping and adjustment devices (square inside rectangle on the left)) and connecting devices (50) including necessary accessories for connection to the electric net, as a signal amplifier (20) and a connecting cable and/or connecting device between the transmitter and the connecting point of the electric net (cable between points A & B), as for instance 230 V, 50 Hz phase rail (L) and zero rail (N) of the electric net or wall outlet as connecting points and a connecting cable and/or connecting device for connecting the transmitter to the electric net (cable between 50 from point A to the load point B) of length $L_w = 10 \text{ m}$.

AAPA discloses the claimed invention except for that the apparatus is divided into two or several parts, at least a first part (3) and a second part (TX/REMU), whereby second part (TX/REMU) includes at least a connecting unit (50) for connection to the electric net wherein the length (L_w) of connecting cable between the second part and the net is under 5 m.

It would have been obvious to one having ordinary skill in the art at the time the invention was made, on one hand, to separate the components of the transmitter and position them in two different locations, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179 and on the other hand to connect the second part with the net with a cable of a length under 5 m, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

The motivation for doing so would be to decrease the attenuation on the transmission line by reducing the length of the connecting cable.

Regarding claim 2 in reference to the length range and it is implicitly disclosed that if the second part is connected directly to the outlet the length of the cable (L_w) is zero.

Regarding claim 3 (see above) the AAPA device comprises the same working parts but divided in two parts. In other words the two parts work the same as if the two parts are combined in only one part.

Regarding claim 4 dividing the working parts of AAPA device into two parts makes one of them remote and regarding the mutual distance it would have been obvious to one having ordinary skills in the art at the time the invention was made to have a mutual distance between the two parts of over 1 m, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the

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optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claim 5 AAPA discloses wherein the connecting cable is connected to two terminals of a net (Fig. 1 elements L & N).

Regarding claim 6 AAPA discloses the claimed invention except for connecting the device to a three-phase net. It would have been obvious to one having ordinary skills in the art at the time the invention was made to have the device with connections for not only a mono-phase but a three-phase net as well, since it has been held that mere duplication of the essential working parts of a device involves only routine skills in the art and has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669 USPQ 378 (CCPA 1960).

Regarding claim 7 is well known in the art that data may be transmitted thru a wire, wireless or fiber optics (for example the evolution of the phone communications from the twisted pair to wireless and recently fiber optics).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luis E. Román whose telephone number is (571) 272-5527. The examiner can normally be reached on Mon – Fri from 7:15 AM to 3:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571) 272-2084. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from Patent Application Information Retrieval (PAIR) system.

Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

LR/012508

Luis E. Román
Patent Examiner
Art Unit 2836


MICHAEL SHERRY
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